United Nations A/67/79/Add.1

General Assembly

Distr.: General
31 August 2012

Original: English

Sixty-seventh session
Item 76 (a) of the provisional agenda*
Oceans and the law of the sea

Oceans and the law of the sea

Report of the Secretary-General**

Addendum

Summary

The present report is submitted pursuant to paragraph 249 of General Assembly resolution 66/231, in which the Assembly requested the Secretary-General to prepare a report on developments and issues relating to ocean affairs and the law of the sea, including the implementation of resolution 66/231, for consideration at its sixty-seventh session. It is also being submitted to States parties to the United Nations Convention on the Law of the Sea, pursuant to article 319 of the Convention. Intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea and funding institutions contributed to this report.

* A/67/150.

** Owing to the page limit, this report contains a summary of the most important recent developments and selected information from contributions by relevant agencies, programmes and bodies.

12-47841 (E) 171012

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I. Introduction

1. The present report provides an overview of developments in ocean affairs and the law of the sea. Its purpose is to assist the General Assembly in its annual review of the implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 (the Convention)[1] and other developments related to ocean affairs and the law of the sea. This report should be read in conjunction with (a) the report of the Secretary-General on oceans and the law of the sea (A/67/79 and Corr.1), which addressed the topic of focus at the thirteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea; (b) the report on the work of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (A/67/87); (c) the report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its thirteenth meeting (A/67/120); (d) the letter dated 8 June 2012 from the Co-Chairs of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction addressed to the President of the General Assembly (A/67/95); and (e) the report of the twenty-second Meeting of States Parties to the Convention (SPLOS/251). The present report covers the period between 1 September 2011 and 31 August 2012.

II. The United Nations Convention on the Law of the Sea and its implementing agreements

A. Status of the Convention and its implementing agreements

2. Since my previous report, the status of the Convention, of the Agreement relating to the implementation of Part XI of the Convention (the Part XI Agreement) and of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the United Nations Fish Stocks Agreement) remained unchanged. As at 31 August 2012, there were 162 parties to the Convention, including the European Union; 141 parties to the Part XI Agreement; and 78 parties to the United Nations Fish Stocks Agreement.

3. Thirty years ago, on 10 December 1982, the Convention was opened for signature in Montego Bay, Jamaica. On the occasion of the thirtieth anniversary of this significant instrument, in a letter dated 26 January 2012, I addressed an invitation to all Member States which are not yet parties to the Convention to consider becoming parties. Throughout the year, I also organized, in cooperation with States, United Nations agencies, funds and programmes, intergovernmental and non-governmental organizations and other relevant bodies, a series of activities to mark this occasion.[2]

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[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] See http://www.un.org/Depts/los/convention_agreements/convention_30years.htm and http://www.un.org/Depts/los/reference_files/yeosu.htm.

B. Meeting of States Parties to the Convention

4. The twenty-second Meeting of States Parties to the Convention was held in New York from 4 to 11 June 2012. The States parties approved the budget of the International Tribunal for the Law of the Sea (the Tribunal) in the amount of 21.24 million euros and adopted a declaration on the thirtieth anniversary of the opening for signature of the Convention. At the Meeting, 20 new members of the Commission on the Limits of the Continental Shelf (the Commission) were elected for a term of five years. At the request of the Group of Eastern European States, the election of one member of the Commission was postponed in order to allow for additional nominations from that Group.[3] The period for nominations was established from 15 July to 16 October 2012.

III. Bodies established by the United Nations Convention on the Law of the Sea

A. Commission on the Limits of the Continental Shelf and its workload

5. The Commission held its twenty-eighth, twenty-ninth and thirtieth sessions from 1 August to 9 September 2011, 19 March to 27 April 2012 and 30 July to 24 August 2012, respectively.[4]

6. To date, the Commission has adopted 18 sets of recommendations. Three States, Ireland, Mexico and the Philippines, have established the outer limits of their continental shelf on the basis of the recommendations of the Commission.

B. International Seabed Authority

7. The Assembly of the International Seabed Authority held its eighteenth session in Kingston from 16 to 27 July 2012. The Assembly elected Nii Odunton as Secretary-General for a second four-year term. It also adopted the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area (ISBA/18/C/WP.1). The Council of the Authority approved a workplan elaborating regulations for exploitation of polymetallic nodules in the Area by 2016.

8. A special session was held on 24 July to commemorate the thirtieth anniversary of the opening for signature of the Convention.

C. International Tribunal for the Law of the Sea

9. Information on major developments in the work of the Tribunal is contained in its annual report for 2011 (SPLOS/241). See also section XV of the present report.

[3] See SPLOS/251, para. 85.

[4] See CLCS/72, CLCS/74 and CLCS/76.

IV. Maritime space

10. The sustainable management of oceans and their resources is a critical underpinning of sustainable development. Clearly defined and publicized limits of maritime zones under national jurisdiction are an essential basis for such management, as they provide certainty with regard to the extent of the sovereignty or sovereign rights and jurisdiction of coastal States.

11. In recent years, there has been an increase in the number of actions relating to the delineation and delimitation of maritime zones. During the reporting period, I received a number of communications from States depositing charts and geographical coordinates of points pursuant to the Convention (articles 16 (2), 47 (9), 75 (2) and 84 (2)), or reacting to such deposits.[5] Laws and regulations regarding innocent passage through the territorial sea or the suspension of such passage were also received, pursuant to the obligations established in articles 21 (3) and 42 (3) of the Convention.[6] These communications provide evidence of the implementation of the relevant provisions of the Convention, as well as of a continuous trend towards the assertion of national jurisdiction and sovereignty over ocean space.

12. The economic promises offered by the exploitation of seabed resources and the end, on 13 May 2009, for many States parties to the Convention, of the 10-year period for making submissions to the Commission as set out in article 4 of annex II to the Convention,[7] have also led to a steep increase in the number of submissions to the Commission and greater political attention paid, at the highest level, to supporting the process to establish the outer limits of the continental shelf. During the reporting period, 5 States have made submissions to the Commission, bringing the total number of submissions to 61.[8]

13. While there are still a number of outstanding maritime disputes, there has also been progress in that some of these disputes have been resolved through negotiation and conclusion of boundary delimitation treaties[9] or through third-party dispute settlement (see section XV below).

14. Information on these and other developments has been published in the Law of the Sea bulletin Nos. 77-79. Actions by States parties in implementing the Convention were given publicity through Law of the Sea information circulars Nos. 34 and 35. The information on State practice is available on the website on

[5] See, for example, decree No. 6433 on the elineation of the boundaries of the exclusive economic zone of Lebanon, 2011.

[6] Regulation of the innocent passage of ships in the territorial waters, law of Cyprus, 2011 (L.28 (I) of 2011); and communications dated 23 January 2012 and 10 and 20 April 2012 from Mexico regarding the suspension of innocent passage through the territorial sea.

[7] See also the decision contained in SPLOS/72.

[8] These are Guyana on 6 September 2011; Mexico, in respect of the eastern polygon in the Gulf of Mexico, on 19 December 2011; United Republic of Tanzania on 18 January 2012; Gabon on 10 April 2012; and Denmark, in respect of the Southern Continental Shelf of Greenland, on 14 June 2012. The submissions by Guyana, Mexico, United Republic of Tanzania and Gabon had been the object of preliminary information in May 2009, made in accordance with decision SPLOS/183 of the eighteenth Meeting of States Parties.

[9] See, for example, the treaty of 15 September 2010 between Norway and the Russian Federation concerning maritime delimitation and cooperation in the Barents Sea and the Arctic Ocean; and the agreement of 3 October 2011 between the Bahamas and Cuba for the delimiting line between their maritime zones.

maritime space of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs (the Division).[10] The Division assists States in fulfilling their other obligations related to the deposit of charts and geographical coordinates under the Convention.

V. Developments relating to international shipping

15. According to the United Nations Conference on Trade and Development (UNCTAD), the world merchant fleet reached almost 1.4 billion dead-weight tons in January 2011, which represented an increase of 120 million dead-weight tons over 2010.[11]

16. Developing countries expanded their participation in a range of maritime businesses, in particular the more capital-intensive or technologically advanced sectors, such as ship construction and ship-owning. For example, 9 of the 20 largest ship-owning countries were also developing countries. Nevertheless, many least developed countries still lack the capacity to fully participate in maritime businesses, which increasingly require advanced technological capacities and industrial or service clusters.

17. A number of intergovernmental organizations continued to take measures to improve the safety and efficiency of international shipping. At its twenty-seventh session, in November 2011, the Assembly of the International Maritime Organization (IMO) adopted a high-level action plan for 2012-2013 and a six-year strategic plan.[12]

18. *Safety of navigation.* At its ninetieth session, held in May 2012, the IMO Maritime Safety Committee adopted a range of measures to improve safety of navigation, including amendments to the 1974 International Convention for the Safety of Life at Sea, 1974.[13] In particular, the regulation on enhanced surveys will make mandatory the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011.[14] Amendments were also made to the International Code of Safety for High-Speed Craft and the International Code for Fire Safety Systems, 2000.[15]

19. In the wake of the Costa Concordia incident off the coast of Italy in January 2012, the Maritime Safety Committee adopted a resolution recommending operational measures aimed at enhancing the safety of large cruise passenger ships.[16]

20. With regard to the system for long-range identification and tracking of ships, the International Data Exchange for the system is now in operation. As at 9 March 2012, 97 out of 161 parties to the International Convention for the Safety of Life at Sea were part of the system and 66 data centres for long-range identification and tracking of ships were connected to the Exchange.

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[10] See http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm.

[11] See *Review of Maritime Transport 2011* (United Nations publication, Sales No. E.11.II.D.4).

[12] Resolutions A.1037(27) and A.1038(27).

[13] See MSC 90/28, resolution MSC.325(90).

[14] MSC 90/28. See also IMO Assembly resolution A.1049(27) and Corr.1.

[15] MSC 90/28, resolutions MSC.326(90) and MSC.327(90).

[16] Ibid., resolution MSC.336(90).

21. *Transport of dangerous goods.* The General Conference of the International Atomic Energy Agency (IAEA), at its fifty-fifth regular session, in September 2011, adopted resolution GC(55)/RES/9 on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety. In 2011, IAEA also completed the Action Plan for the Safety of Transport of Radioactive Material, 2004.

22. At its ninetieth session, in May 2012, the IMO Maritime Safety Committee adopted amendments to the International Maritime Dangerous Goods Code, which included harmonization with amendments to the United Nations Recommendations on the Transport of Dangerous Goods — Model Regulations. The amendments will enter into force on 1 January 2014 and can be applied on a voluntary basis from 1 January 2013.[17]

23. *Hydrographic surveying and charting.* The next generation of electronic nautical chart product specification, S-101, is being developed by the International Hydrographic Organization (IHO), with the main part being planned for completion by early 2013.[18]

24. *Implementation and enforcement.* At its twenty-seventh session, in November 2011, the IMO Assembly adopted resolutions A.1052(27) on procedures for port state control, 2011, and A.1053(27) on the survey guidelines under the harmonized system of survey and certification, 2011.

25. *Wreck removal.* In November 2011, the IMO Assembly adopted resolution A.1057(27) aimed at removing ambiguity on the issuing of wreck removal certificates to bareboat-registered vessels under the Nairobi International Convention on the Removal of Wrecks, 2007. The purpose of the resolution is to assist States in ratifying the Convention, which has not yet entered into force.

VI. People at sea

A. Seafarers and fishers

26. *Seafarers.* In November 2011, the IMO Assembly adopted resolution A.1033(27) establishing 25 June of each year as the Day of the Seafarer and resolution A.1056 (27) on the promotion of the application of the 2006 guidelines on fair treatment of seafarers in the event of a maritime accident.

27. As at 20 August 2012, the Maritime Labour Convention, 2006, had received 31 ratifications, representing nearly 60 per cent of the global gross tonnage of ships. It is expected to enter into force in 2013. In June 2012, the International Labour Organization (ILO) undertook gap analyses of national legislation in five member States and published handbooks containing a model for legal provisions that implement the Maritime Labour Convention[19] and guidance on implementing the Convention and social security for seafarers.[20]

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[17] Ibid., resolution MSC.328(90).

[18] IHO, CONF/18/WP.2, element 2.11, paras. 4.3-4.4.

[19] See http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_170389/lang--en/index.htm.

[20] See http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_170388/lang--en/index.htm.

28. With a five-year transitional period until 1 January 2017, the revised International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and its associated code entered into force on 1 January 2012.

29. *Fishers*. Following its ratification by Palau on 29 September 2011, the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, is set to enter into force on 29 September 2012.

30. The Work in Fishing Convention, 2007, requires eight more ratifications to enter into force.

B. International migration by sea

31. *Irregular migration*. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that in 2011, irregular arrivals by sea amounted to 1,030 from Turkey to Greece; 61,000 from North Africa, Greece and Turkey to Italy; 1,574 from North Africa to Malta; 5,443 from North and West Africa to Spain; and 103,000 from Somalia to Yemen. It is also estimated that 1,500 people have died attempting to flee from Libya to Europe.[21]

32. Focusing on the reality of irregular "mixed" movements,[22] UNHCR organized an expert meeting on responses to refugees and asylum-seekers in distress at sea in November 2011 in Djibouti. At the meeting, the existing legal framework was discussed, including the United Nations Convention on the Law of the Sea; gaps in implementation were addressed; and operational tools to enhance international cooperation were proposed.[23]

33. *Smuggling by sea*. While smuggling by sea accounts for a small proportion of overall migrant smuggling, the particular dangers of irregular travel at sea make it a priority for response.[24] In April 2012, the United Nations Office on Drugs and Crime (UNODC) organized an international conference in Mexico on the challenges of and progress in the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. This conference facilitated the dissemination and better knowledge of international instruments and promoted international cooperation.

34. *Stowaways*. The IMO Facilitation Committee adopted revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases. The revised guidelines encourage public authorities, port authorities, ship owners and masters to cooperate in order to resolve stowaway cases expeditiously and secure the early return or repatriation of the stowaway.[25]

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[21] See http://www.unhcr.org/pages/4a1d406060.html.

[22] As defined by UNHCR, "mixed" migration consists of movements where refugees, asylum-seekers, victims of trafficking, unaccompanied and separated children and other persons travel internationally, frequently in an irregular manner.

[23] See http://www.unhcr.org/4ede2ae99.html.

[24] See UNODC issue paper, "Smuggling of migrants by sea", available from http://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/Issue_Paper_-_Smuggling_of_Migrants_by_Sea.pdf.

[25] FAL/37/17, resolution FAL.11(37).

VII. Maritime security

A. Piracy and armed robbery at sea

35. *Acts or attempted acts of piracy and armed robbery at sea.* In the first six months of 2012, 206 attacks were reported worldwide, compared with 316 attacks during the same period in 2011.[26] The total number of acts or attempted acts of piracy and armed robbery at sea worldwide, as reported to IMO in 2011, was 544, compared with 489 in 2010.[27]

36. At the regional level, in 2011 IMO received 223 incident reports for East Africa; 63 for the Indian Ocean; 28 for the Arabian Sea; 113 for the South China Sea; 22 for the Straits of Malacca and Singapore; 29 for South America and the Caribbean; and 61 for West Africa.

37. *Piracy and armed robbery against ships in the Gulf of Guinea.* On 29 February 2012, the Security Council adopted resolution 2039 (2012) welcoming the report of the United Nations assessment mission on piracy in the Gulf of Guinea (S/2012/45). It decided to remain seized of the matter.

38. *Piracy and armed robbery against ships off the coast of Somalia.* The International Maritime Bureau of the International Chamber of Commerce reported that in the first six months of 2012, it had received reports of 69 attacks, attributable to Somali pirates, compared with 163 for the same period in 2011. The Contact Group on Piracy off the Coast of Somalia reported at its eleventh plenary meeting, on 29 March 2012, that the reduction in overall attacks could be attributed to a number of factors, such as the application of best management practices by the shipping industry, the continuing naval presence and the deployment of military vessel protection detachments and privately contracted armed security personnel. IMO has issued interim recommendations and guidance with respect to these personnel and continues to work on this issue.[28]

39. Owing to the current situation off the coast of Somalia, the Security Council decided in its resolution 2020 (2011) to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008), as renewed by paragraph 7 of resolution 1897 (2009) and paragraph 7 of resolution 1950 (2010), granted to States and regional organizations cooperating with the Transitional Federal Government of Somalia in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General.

40. There have been concerns that allegations of illegal fishing and dumping of toxic waste may have been used by pirates to justify their criminal activities. In response to a request by the Security Council in resolution 1976 (2011), in October 2011 I issued a report on the protection of Somali natural resources and waters (S/2011/661).

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[26] See IMO monthly reports on acts of piracy and armed robbery against ships, MSC.4/Circ. 167, 168, 170-173 and 181-186.

[27] MSC.4/Circ. 180.

[28] See http://www.imo.org/Documents/IMO_Piracy_Guidance.pdf. See also MSC 90/28.

41. With respect to the prosecution of individuals suspected of acts of piracy off the coast of Somalia, in January 2012 I issued a report on specialized anti-piracy courts in Somalia and other States in the region (S/2012/50). In March 2012, in response to the request of the Security Council contained in resolution 2015 (2011), I submitted to the Council a compilation of information received from 42 States on measures taken to criminalize piracy under their domestic laws and to support the prosecution of individuals suspected of piracy off the coast of Somalia and the imprisonment of convicted pirates (S/2012/177).

B. Transnational organized crime

42. At its twentieth session, in April 2011, the Commission on Crime Prevention and Criminal Justice of UNODC called for practical action against organized crime and adopted a resolution in which it urged Member States to strengthen international cooperation at all levels in combating transnational organized crime committed at sea.[29]

43. In November 2011, UNODC concluded cooperation agreements with UNHCR and the International Organization for Migration aimed at furthering joint cooperation in combating human trafficking and migrant smuggling. UNODC also published the International Framework for Action to Implement the Smuggling of Migrants Protocol.

44. In relation to the proliferation of nuclear, chemical and biological weapons, the Security Council Committee established pursuant to resolution 1540 (2004) engaged in outreach and capacity-building activities focusing on border controls and law enforcement efforts to combat illicit trafficking in nuclear, chemical and biological weapons at sea and in ports.

VIII. Marine science and technology

A. Marine science

45. *Intergovernmental Oceanographic Commission Advisory Body of Experts on the Law of the Sea*. Following consideration of the report of the intersessional open-ended working group to review the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO),[30] at its forty-fifth session, held in June 2012, the IOC Executive Council decided that the Advisory Body of Experts would continue its work with a focus on priorities as tasked by the IOC governing bodies.

46. *Research project*. In February 2012, IOC/UNESCO announced a partnership with the research schooner Tara to promote awareness of the oceans and emphasize their importance at the United Nations Conference on Sustainable Development, held in Rio de Janeiro from 20 to 22 June 2012. The cooperation focuses on

[29] *Official Records of the Economic and Social Council, 2011, Supplement No. 10* (E/2011/30-E/CN.15/2011/21), resolution 20/5.

[30] IOC/EC-XLV/2 annex 7.

scientific research, education and public awareness of the role the oceans play in climate change and the importance of sustainable management practices.

47. *Ocean observing programmes.* The Global Oceans Observing System has surpassed its target of 60 per cent completion and has demonstrated that better ocean observations and services could be provided with increased funding. The first meeting of the Global Oceans Observing System Steering Committee, held in June 2012, emphasised the importance of sustaining present observations, affirmed the importance of expanding the System into new variables and recognized the need to develop the capacity of member States to participate in it.[31]

48. At its forty-fifth session, the Executive Council of IOC established an intersessional consultation of all IOC member States to identify scientific and technical issues within the IOC mission and mandate to improve its activities in the area of sustained ocean observations and services.[32] The participants at the United Nations Conference on Sustainable Development also called for international cooperation in the observation of ocean acidification and vulnerable ecosystems. The relevance of global mapping and the collection of environmental data through the Global Earth Observation System of Systems were also noted.[33]

B. Capacity-building in marine science

49. The United Nations Conference on Sustainable Development recognized the importance of building the capacity of developing countries and emphasized the need for cooperation in marine scientific research to implement the provisions of the United Nations Convention on the Law of the Sea and the outcomes of the major summits on sustainable development, as well as for the transfer of technology, taking into account the IOC criteria and guidelines on the transfer of marine technology.[34]

50. At its forty-fifth session, the IOC Executive Council took note of the conclusions of the Ad Hoc Advisory Group for the IOC Ocean Sciences Section,[35] which had recommended that the Section focus on supporting local and global initiatives to address scientific gaps and improving inclusiveness through national capacity-building, especially in Africa, and, consistent with UNESCO priorities, supporting the interdisciplinary nature of research.[36]

C. Early warning systems

51. *Indian Ocean.* The Indian Ocean Tsunami Warning and Mitigation System reached full operational stage in October 2011. A regional tsunami advisory service provided by Australia, India and Indonesia also became operational.

52. *North-East Atlantic and Mediterranean.* At its eighth session, held in November 2011, the Intergovernmental Coordination Group for the Tsunami Early

[31] See IOC/GOOS-SC-1/3s.
[32] EC-XLV/Dec.4.2.
[33] See General Assembly resolution 66/288, annex, paras. 166 and 274.
[34] Ibid., para. 160.
[35] See EC-XLV/Dec.4.4.
[36] See IOC/INF-1294, para. 15.

Warning and Mitigation System in the North-Eastern Atlantic, the Mediterranean and Connected Seas acknowledged the steady progress made towards the provision of tsunami watch services for the region.

53. *Caribbean*. At its seventh session, held in April 2012, the Intergovernmental Coordination Group for the Tsunami and Other Coastal Hazards Warning System for the Caribbean and Adjacent Regions highlighted significant progress in the area of sea-level monitoring, with 38 sea-level stations available for tsunami monitoring. Seismic monitoring has also improved significantly, with over 100 stations delivering real-time data for tsunami monitoring. The Group recommended to the forty-fifth session of the IOC Executive Council, in June 2012, that it consider enlarging the area of responsibility to the West Atlantic, including Greenland, Brazil, Uruguay and Argentina.

54. *Pacific*. New experimental tsunami forecast products are being developed by the Pacific Tsunami Warning and Mitigation System, including maps indicating the level(s) of threat for each country.

55. Since the great East Japan earthquake and tsunami on 11 March 2011, many national and international post-tsunami field surveys and performance analyses of tsunami early-warning systems have been carried out, leading to an improvement in preparedness for tsunamis in the region. On 16 and 17 February 2012, UNESCO/IOC co-organized with the Government of Japan and the United Nations University an international symposium entitled "The great East Japan tsunami on 11 March 2011 and tsunami warning systems: policy perspectives".

D. Recent developments in marine technology

56. The field of marine technology continues to be of particular interest. In my report on oceans and the law of the sea (A/67/79), I focused on marine renewable energies [37]

E. Submarine cables and pipelines

57. The International Telecommunication Union, IOC/UNESCO and the World Meteorological Organization have created a joint task force to explore the technical, business and legal issues involved in the use of submarine cables for climate monitoring and disaster warning.

F. Protection of archaeological and historical objects

58. In December 2011, the tenth anniversary of the Convention on the Protection of the Underwater Cultural Heritage was celebrated through a high-level scientific colloquium on the factors impacting underwater cultural heritage and to explore ways of collaborating in the mitigation of activities adversely affecting this heritage.

[37] Paras. 12-17.

IX. Conservation and management of marine living resources

A. Marine fishery resources

59. Sustainable fisheries make a significant contribution to food security, income, wealth and poverty alleviation.[38] Maintaining and, where possible, increasing the contribution of fish production and trade is therefore an important element of economic and food security policies for many countries, especially small island developing States and coastal low-income countries in food deficit. Regrettably, the proportion of fully exploited stocks increased from 43 per cent in 1989 to 57 per cent in 2009. Approximately 30 per cent of stocks are also overexploited. The remaining 13 per cent of stocks are not fully exploited, but these stocks often lack high production potential.[39]

60. Several intergovernmental organizations are taking measures to improve the conservation and management of marine fishery resources, including by promoting scientific research on fisheries, addressing unsustainable practices, such as illegal, unreported and unregulated fishing, enhancing cooperation and coordination and supporting capacity-building activities. Increasingly, emphasis is being placed on the development of "green economy" policies in fisheries and aquaculture, in order to contribute to wider social and environmental sustainability goals. Greening the fisheries and aquaculture will require the overall recognition of the wider societal roles of fishers and fish farmers, in particular that of small-scale operations for local economic growth, poverty reduction and food security. Supporting development and investment in green technologies and raising industry and consumer awareness of the sustainability of fisheries and aquaculture are also essential.

61. The United Nations Conference on Sustainable Development reaffirmed the need to promote sustainable fisheries and aquaculture and stressed the crucial role of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture for food security and nutrition and in providing for the livelihoods of millions of people. The Conference also recognized the important contributions that can be made by small-scale fisherfolk to sustainable development through production activities that are environmentally sound, enhance food security and the livelihood of the poor and invigorate production and sustained economic growth.[40]

62. A wide range of commitments were also made to improve the conservation and management of marine fishery resources, including by restoring fish stocks, eliminating illegal, unreported and unregulated fishing, improving the performance of regional fisheries management organizations and arrangements, eliminating subsidies that contribute to overcapacity and overfishing and assisting developing countries in developing their national capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries.[41]

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[38] General Assembly resolution 66/68, preamble.

[39] Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture*, 2012.

[40] General Assembly resolution 66/288, annex, paragraphs 111-115 and 52.

[41] Ibid, paragraphs 168-175.

Review by the General Assembly of actions taken in response to resolutions 61/105 and 64/72

63. At its sixty-sixth session, the General Assembly conducted a review of the actions taken by States and regional fisheries management organizations and arrangements in response to the relevant paragraphs of resolutions 61/105 and 64/72 to address the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks. In order to assist the General Assembly in its review, the Secretary-General prepared a report on the actions taken by States and regional fisheries management organizations and arrangements in response to resolutions 61/105 and 64/72 (A/66/307).

64. Pursuant to paragraph 128 of resolution 64/72, the Secretary-General also convened a two-day workshop on 15 and 16 September 2011, to discuss the implementation of the relevant paragraphs of the two resolutions. The discussions that were held during the workshop were taken into account by the General Assembly in deciding on further urgent actions regarding bottom fishing in areas beyond national jurisdiction.[42]

65. The results of the review are reflected in General Assembly resolution 66/68, which was adopted on 6 December 2011. The Assembly also decided to conduct a further review in 2015 of the actions taken by States and regional fisheries management organizations and arrangements in response to resolutions 64/72 and 66/68, with a view to ensuring effective implementation of the measures and making further recommendations, where necessary.[43]

Food and Agriculture Organization of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

66. The 2009 Food and Agriculture Organization of the United Nations (FAO) Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Port State Measures Agreement) will enter into force 30 days after the date of deposit of the twenty-fifth instrument of ratification, acceptance, approval or accession. As of 29 June 2012, there were four parties to the Agreement, including the European Union.

67. FAO launched a series of regional capacity-development workshops to support the implementation of the Port State Measures Agreement. The first such workshop was convened in Bangkok in April 2012 for South-East Asian countries.

68. At its thirtieth session, held in July 2012, the FAO Committee on Fisheries endorsed the terms of reference for the ad hoc working group under part 6 of the Port State Measures Agreement, which are to be applied when that Agreement enters into force.[44]

[42] A summary of the discussions is contained in document A/66/566.

[43] Resolution 66/68, paragraphs 122-137.

[44] See advance copy of the report of the Committee on Fisheries on its thirtieth session, available from http://www.fao.org/cofi/cofi2012/en/.

International guidelines on securing sustainable small-scale fisheries

69. Following approval, at the twenty-ninth session of the Committee on Fisheries, of the development of a new international instrument on small-scale fisheries, draft international guidelines for securing sustainable small-scale fisheries were developed, based on stakeholder consultations in 2011 and 2012. At its thirtieth session, the Committee debated the scope and aim of the guidelines and called for further consultations, as well as the convening of an intergovernmental technical consultation in May 2013.

Assessing the performance of flag States

70. The second FAO technical consultation on flag State performance, held in March 2012, continued the drafting of the criteria for assessing flag State performance. The technical consultation recommended that work should continue as soon as possible to finalize and adopt the criteria.[45] At its thirtieth session, the Committee on Fisheries noted the need for further progress and requested FAO to convene the second resumed session of the technical consultation as soon as possible.

B. Whales and other cetaceans

71. At its sixty-fourth annual meeting, the International Whaling Commission reviewed the status of a number of whale stocks, with continued attention paid to grey whales in the western north Pacific whose feeding grounds coincide with major oil and gas operations. The Commission endorsed draft conservation management plans for right whales in the south-west Atlantic and in the south-east Pacific and expressed grave concern about the right whale population in the western North Atlantic. The status of a number of small cetacean populations was also reviewed.

72. The Commission also addressed ship strikes, whale-watching, marine debris and welfare issues associated with entanglement.

73. The Commission adopted resolution 2012-X on the importance of continued scientific research with regard to the impact of the degradation of the marine environment on the health of cetaceans and related human health effects.[46] However, it did not reach consensus on a proposed resolution on highly migratory cetaceans in the high seas, which invited parties to the International Convention for the Regulation of Whaling to consider the issue in collaboration with the General Assembly, with a view to contributing to the conservation efforts of the Commission.

74. The Commission will now meet biennially, while the Scientific Committee will continue to meet annually.

[45] Report of the Chair and draft criteria available from ftp://ftp.fao.org/FI/DOCUMENT/tc-fsp/2012/Chairperson_report_9_March_2012.pdf.

[46] See IWC/64/13Rev2.

X. Marine biological diversity

75. The United Nations Conference on Sustainable Development reaffirmed the critical role of biodiversity in sustainable development and committed to protect and restore the health, productivity and resilience of oceans and marine ecosystems and to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations.[47] In the light of the vital ecosystem services provided by marine biodiversity, it was particularly relevant that marine biodiversity was the theme of this year's International Day for Biological Diversity, celebrated on 22 May.

A. Measures to address impacts on marine biological diversity

76. A number of forums continue to discuss measures to address impacts on marine biodiversity. The Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction held its fifth meeting, in May 2012, and formulated recommendations for consideration by the General Assembly at its sixty-seventh session (A/67/95). The Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity, at its sixteenth meeting, held from 30 April to 5 May 2012 in Montreal, Canada, adopted a number of recommendations on, or of relevance to, marine and coastal biodiversity.[48]

77. A number of initiatives have also supported research related to, and the conservation and sustainable use of, marine biodiversity. For example, the ecosystems and biodiversity programme of the United Nations Development Programme (UNDP) supports the integration of marine biodiversity considerations into relevant sectors such as fisheries and tourism at the national level; and IAEA is studying the consequences of rising CO_2 levels and ocean acidification on marine biodiversity, with a view to assessing the scale of socioeconomic risks associated with the impacts of ocean acidification.

78. On 21 April 2012, 94 States established the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services as an independent intergovernmental body to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development and decided on its functions, operating principles and institutional arrangements.[49]

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[47] General Assembly resolution 66/288, annex, para. 158.

[48] See Report of the Sixteenth Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (UNEP/CBD/COP/11/3), recommendations XVI/3, XVI/4, XVI/5, XVI/6 and XVI/9.

[49] See Report of the second session of the plenary meeting to determine modalities and institutional arrangements for an intergovernmental science-policy platform on biodiversity and ecosystem services (UNEP/IPBES.MI/2/9).

B. Measures for specific ecosystems and species

79. *Seabed marine biodiversity*. In the context of its work on the protection and preservation of the marine environment of the Area from mining activities, in January 2012 the International Seabed Authority initiated a review of the quality of environmental data provided by contractors. The Council of the Authority, at its eighteenth session, in July 2012, adopted a decision to establish an environmental management plan for the Clarion-Clipperton Zone, which, inter alia, provides that for a period of five years, or until further review by the Legal and Technical Commission or the Council, no application for approval of a plan of work for exploration or exploitation should be granted in the areas of particular environmental interest.[50]

80. *Wetlands*. A number of coastal areas around the world were added to the Ramsar List of Wetlands of International Importance, illustrating the significance of the benefits that those sites provide to people and the coastal environment.

81. *Corals*. The importance of corals and coral reefs to sustainable development continues to be emphasized at the highest level, including by the General Assembly in resolution 66/194. At the United Nations Conference on Sustainable Development, the significant vulnerability of coral reefs to climate change, ocean acidification, overfishing, destructive fishing practices and pollution was recognized. Support was expressed for international cooperation to realize the social, economic and environmental benefits of coral reefs.[51]

82. *Cetaceans and other migratory species*. At its tenth meeting, in November 2011 in Bergen, the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals adopted resolutions on, or of relevance to, cetaceans and other migratory marine species and added several marine species to the Appendices to the Convention.[52]

83. *Convention on International Trade in Endangered Species of Wild Fauna and Flora*. At its sixty-second session, held in July 2012, the Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora agreed to transmit the results of the work of the Working Group on Introduction from the Sea[53] to the sixteenth meeting of the Conference of the Parties, to be held in March 2013, recognizing the reservations expressed by certain Parties.[54]

84. At its twenty-sixth meeting in March 2012, the Animals Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora made a number of recommendations relating to sturgeons,[55] sharks[56] and sea cucumbers.[57] It also considered the reviews of significant trade in marine specimens of Appendix II species, including the Caribbean monk seal (monachus tropicalis).

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[50] See decision of the Council contained in ISBA/18/C/22.

[51] General Assembly resolution 66/288, annex, para. 176.

[52] These include resolutions 10.3, 10.4, 10.14, 10.15, 10.19, and 10.24, available from www.cms.int/bodies/COP/cop10/resolutions_adopted/resolutions.htm.

[53] See document prepared by the Standing Committee, "Introduction from the Sea" (SC62 Doc.31).

[54] See executive summary, sixty-second meeting of the Standing Committee (SC62 Sum. 6 (Rev. 1)).

[55] See AC26 WG3 Doc. 1 and AC26 Sum. 3.

[56] See AC26 WG4 Doc. 1 and AC26 Sum. 4 (Rev. 1).

[57] See AC26 DG1 Doc. 1 and AC26 Sum. 4 (Rev. 1).

C. Marine genetic resources

85. Interest in marine genetic resources and marine biotechnology is expanding. As a result, a number of initiatives are seeking to assess their social, economic, environmental and commercial potential. For example, the "marine bioprospector" web-based database of the United Nations University Institute of Advanced Studies, which includes 105 records of activities related to marine genetic resources, provides information on the applications and commercialization, including actual or potential value and market information, for sourced material. In the context of its work on marine biotechnology, the Organization for Economic Cooperation and Development hosted a global forum on biotechnology, with partners, in May 2012 in Vancouver, Canada, to consider the potential of marine biotechnology in addressing food and fuel security, population health, green growth and sustainable industries.

86. Issues related to marine genetic resources in areas beyond national jurisdiction continued to be discussed at the fifth meeting of the Ad Hoc Open-ended Informal Working Group.

87. In the context of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity, the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol, at its second meeting, in July 2012, considered the need for and modalities of a global multilateral benefit-sharing mechanism as provided for under article 10 of the Nagoya Protocol. It recommended, inter alia, that the Conference of the Parties invite views with respect to article 10 as well as other perspectives on the matter.[58]

88. At its twentieth session, in February 2012, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO) developed the "Consolidated document relating to intellectual property and genetic resources", for transmission to the WIPO General Assembly for its consideration in October 2012.[59]

XI. Protection and preservation of the marine environment and sustainable development

A. Degradation of the marine environment from land-based activities and marine debris

89. At the Third Intergovernmental Review Meeting on the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, held in January 2012, the Manila Declaration on Furthering the Implementation of the Global Programme of Action was adopted. The participants in the meeting also decided on priorities for the work programme of the

[58] See UNEP/CBD/COP/11/6.

[59] See Decisions of the twentieth session of the Committee available from http://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_20/wipo_grtkf_ic_20_ref_decisions.pdf.

Global Programme of Action for 2012-2016, including nutrients, litter and wastewater.[60]

90. At its tenth meeting, held in November 2011, the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals adopted resolution 10.4, calling on member States to identify hotspots for debris accumulation and implement national plans of action to address and report on the problem of marine debris. The South Pacific Permanent Commission is also actively involved in raising awareness of the issue of marine debris.

91. The United Nations Conference on Sustainable Development noted with concern that the health of oceans and marine biodiversity was negatively affected by marine pollution, including from land-based sources. Commitments were made to take action to reduce the incidence and impacts of such pollution on marine ecosystems through follow-up on the relevant initiatives such as the Global Programme of Action.[61]

B. Pollution from ships

Discharge of substances

92. At its sixty-third session, held from 27 February to 2 March 2012, the IMO Marine Environment Protection Committee adopted a range of measures relating to the discharge of substances and the implementation of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997. In particular, in its resolution relating to the designation of the Baltic Sea as a Special Area under annex IV (sewage) to the amended Convention, the Committee called for the development of technical on-board equipment to meet the new discharge standards for passenger ships operating in special areas under the annex.[62] The Committee also adopted guidelines for the implementation of annex V (garbage) and for the development of garbage management plans.[63] The guidelines will assist in the implementation of the 2011 revised annex V regulations, which are expected to enter into force on 1 January 2013.

93. In addition, the Committee adopted amendments to annexes I, II, IV, V and VI to the amended Convention relating to port reception arrangements, which are aimed at enabling small island developing States to comply with requirements for port States to provide reception facilities for ship waste through regional arrangements.[64] The amendments are expected to enter into force on 1 August 2013. Guidelines for the development of a regional reception facilities plan were also adopted.[65]

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[60] See UNEP/GPA/IGR.3/CRP.1/Rev.1.

[61] General Assembly resolution 66/288, annex, para. 163.

[62] See Report of the Marine Environment Protection Committee on its sixty-third session (MEPC 63/23), resolution MEPC.218(63).

[63] Ibid., resolutions MEPC.219(63) and MEPC.220(63).

[64] Ibid., resolutions MEPC.216(63) and MEPC.217(63).

[65] Ibid., resolution MEPC.221(63).

Air pollution from ships

94. At its sixty-third session, the Committee also adopted four sets of guidelines to assist in the implementation of the mandatory regulations on energy efficiency for ships in annex VI to the amended Convention, which were adopted in July 2011 and are expected to enter into force on 1 January 2013.[66] The Committee further adopted amendments to the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines.[67]

C. Waste

95. *Disposal of wastes.* At the thirty-third Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Convention) and the sixth Meeting of Contracting Parties to the 1996 Protocol to the Convention (the London Protocol), held in October 2011, the Contracting Parties reviewed options to regulate ocean fertilization and agreed that further work should be undertaken by the intersessional Working Group on Ocean Fertilization.[68]

96. *Transboundary movement of wastes.* Following decision BC-10/3 of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,[69] the technical expert group to develop a framework for the environmentally sound management of wastes held its first meeting in April 2012. The group tentatively agreed on the basic structure of the framework and elaborated a preliminary list of elements to be included in the framework. The second meeting of the group was scheduled to be held during the week immediately following the eighth session of the Open-ended Working Group of the Convention in September 2012.[70]

D. Ship-breaking, dismantling, recycling and scrapping

97. At its sixty-third session in March 2012, the IMO Marine Environment Protection Committee adopted the 2012 guidelines for safe and environmentally sound ship recycling and the 2012 guidelines for the authorization of ship recycling facilities, which are intended to assist the implementation of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, which was adopted in May 2009 but has not yet entered into force.[71] IMO organized two workshops, in the Philippines in October 2011 and in China in May 2012, to improve understanding of the requirements of the Hong Kong Convention with a view to facilitating its ratification.

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[66] Ibid., para. 4.62.

[67] Ibid., para. 6.17.

[68] Report of the thirty-third Consultative Meeting (LC 33/15), section 4.

[69] See report of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal on its tenth meeting (UNEP/CHW.10/28).

[70] See report of the first meeting of the technical expert group to develop a framework for the environmentally sound management of wastes (UNEP/CHW/CLI/TEG.1/2).

[71] MEPC 63/23, resolutions MEPC.210(63) and MEPC.211(63).

E. Introduction of invasive alien species

98. At its sixty-third session, the Marine Environment Protection Committee granted basic approval to three ballast water management systems, which make use of active substances, and final approval to five other such systems.[72] As of April 2012, the Committee had granted basic approval to 37 ballast water management systems which make use of active substances and final approval to 25 such systems.

99. The Committee also adopted revised guidelines on design and construction to facilitate sediment control on ships to assist in the implementation of the 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments.[73] As of May 2012, 35 States, with an aggregate merchant shipping tonnage of 27.95 per cent of the world total, had ratified this Convention.

100. A number of other intergovernmental organizations continued to take measures to prevent the introduction of invasive alien species in the marine environment, including in the context of the Global Environment Facility (GEF)-UNDP-IMO GloBallast Partnerships.

101. The United Nations Conference on Sustainable Development noted the significant threat that alien invasive species pose to marine ecosystems and resources and committed to implement measures to prevent the introduction and manage the adverse environmental impacts of alien invasive species, including those adopted in the framework of IMO.[74]

F. Ocean noise

102. Since 2005, the General Assembly has consistently recognized the fact that human-generated underwater noise is a source of marine pollution and poses a threat to marine ecosystems and living resources.[75] During the reporting period, no additional scientific studies on the impacts of ocean noise on marine living resources were received by the Division for Ocean Affairs and the Law of the Sea pursuant to paragraph 107 of General Assembly resolution 61/222.[76]

103. However, a number of other forums also continued to consider underwater noise, encouraging increased research and cooperation and coordination among various organizations to address its impacts. For example, at the global level, at its tenth meeting, the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals adopted resolution 10.24 on underwater noise pollution[77] and at its sixteenth meeting, the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity also addressed the impacts of anthropogenic underwater noise on marine and coastal biodiversity in its recommendation

[72] MEPC/63/23, section 2.

[73] MEPC/63/23, resolution MEPC.209(63).

[74] General Assembly resolution 66/288, annex, paragraph 164.

[75] General Assembly resolutions 60/30, para. 84; 61/222, para. 107; 62/215, para. 120; 63/111, para. 141; 64/71, para. 162; 65/37 A, para. 186; 65/38, para. 127; 66/231, para. 185; and 66/68, para. 143.

[76] See the list of peer-reviewed scientific studies available from http://www.un.org/depts/los/general_assembly/noise/noise.htm.

[77] See UNEP/CBD/COP/10/27.

XVI/5.[78] At its session in 2012, the Scientific Committee of the International Whaling Commission commended the continued discussions between the IMO and Commission regarding efforts to reduce the noise of newly built vessels.[79]

104. In relation to noise-quieting technologies, at its sixty-third session, the IMO Marine Environment Protection Committee noted the decision of the fifty-sixth session of the IMO Design and Equipment Subcommittee to establish a correspondence group to examine available options for ship-quieting technologies and operational practices in order to develop non-mandatory draft guidelines for reducing underwater noise from commercial ships.[80] The International Organization for Standardization has also been working to develop standards for the measurement of underwater noise from ships.[81]

105. At the regional level, enhanced coordination is also taking place to address noise pollution as evidenced by the joint work of the working groups on noise of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS) and the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS). The ACCOBAMS Scientific Committee, noting that the commitments and guidelines included in ACCOBAMS resolution 4.17 on the impact of anthropogenic noise on cetaceans have not been fully complied with, stressed the urgent need to ensure that mechanisms are in place to comply fully with the Resolution.[82]

G. Management tools

1. Environmental impact assessment

106. Environmental impact assessments and strategic environmental assessments are critical tools to inform decision-making and promote sustainable development by ensuring that planned activities do not cause substantial pollution of, or significant and harmful changes to, the marine environment. A number of global forums continue to work towards the development of practical guidance for the implementation of impact assessments in the marine environment.

107. At its sixteenth meeting, the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity adopted recommendation XVI/6 on model voluntary guidelines for the consideration of biodiversity in environmental impact and strategic environmental assessments in marine and coastal areas, to be considered by the Conference of the Parties to the Convention at its eleventh meeting.[83] At its fifteenth meeting, held in November 2011, the Subsidiary Body on Scientific, Technical and Technological Advice had also recommended that the Conference of

[78] See UNEP/CBD/COP/11/3.

[79] See report of the Scientific Committee (IWC/64/Rep1rev1).

[80] MEPC 63/23, paras. 18.2 and 18.7.

[81] Report of the 19th meeting of the ASCOBANS Advisory Committee available from http://www.ascobans.org/pdf/ac19/ASCOBANS_AC19_Report_inclAnnexes.pdf.

[82] See Statement of concern about atypical mass standings of beaked whales in the Ionian Sea, at http://www.accobams.org/index.php?option=com_content&view=category&layout=blog&id=83&Itemid=37.

[83] UNEP/CBD/COP/11/3.

the Parties to the request further development of indicators for the Aichi biodiversity targets, including environmental impact assessments, as an important operational indicator for assessing progress at the global level.[84] At its tenth meeting, held in November 2011, the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, in resolution 10.24 on underwater noise pollution, urged the parties to the Convention to ensure that environmental impact assessments take, inter alia, full account of the effects of activities on cetaceans and consider potential impacts on marine biota and their migration routes.[85]

108. *Fishing activities.* The United Nations Conference on Sustainable Development noted the need to enhance protection of vulnerable marine ecosystems, including through the use of impact assessments consistent with international law, General Assembly resolutions and FAO guidelines.[86] FAO member States are giving increasing importance to assessing the impact of fisheries on sharks and seabirds in relation to the implementation of the international plans of action for sharks and for seabirds.[87] However, assessment of the impacts of aquaculture development still requires improvement.[88] The thirteenth meeting of the FAO Committee on Fisheries, held in July 2012, encouraged further studies of the impact of industrial fishing activities on species corresponding to low trophic levels, in order to support the establishment of appropriate levels of catch and effort to mitigate their impact on the ecosystem.

109. *Prospecting for and exploration of mineral resources.* From 29 November to 2 December 2011, the International Seabed Authority, in collaboration with the Government of Fiji and the secretariat of the Pacific Commission, held a workshop on environmental management needs for exploration of deep seabed minerals, which led to a draft template for an environmental impart assessment for seabed mining.[89] At the eighteenth session of the Authority, held in July 2012, the Legal and Technical Commission agreed to take the assessment of possible environmental impacts arising from exploration for minerals in the Area as a priority matter at its next meeting.

110. *Other activities.* In considering a document summarizing the current state of knowledge on ocean fertilization, at the thirty-third Consultative Meeting of Contracting Parties to the London Convention and sixth meeting of Contracting Parties to the London Protocol, held in October 2011, the parties concluded that there was still a need for a "state of the science" document relevant to assessing environmental impacts, and instructed the Scientific Groups to investigate the feasibility of developing a (web-based) repository of references relating to the application of the Ocean Fertilization Assessment Framework.[90] At the meeting it

[84] See report of the Subsidiary Body on Scientific, Technical and Technological Advice on the work of its fifteenth meeting (UNEP/CBD/COP/11/2), recommendation XV/1.

[85] UNEP/CBD/COP/10/27.

[86] General Assembly resolution 66/288, annex, para. 168.

[87] See FAO Committee on Fisheries report on progress in the implementation of the Code of Conduct for Responsible Fisheries and related instruments, including international plans of action and strategies, and other matters (COFI/2012/3), paras 39, 40 and 51.

[88] See Ibid., paras. 22 and 55.

[89] See report on the international workshop on environmental management needs for exploration and exploitation of deep sea minerals (ISBA/18/LTC/4).

[90] See LC 33/15, paras. 4.25 to 4.28.

was also agreed that further intersessional work was needed on whether to develop generic assessment guidelines for placement activities.[91]

2. Ecosystem approaches and integrated management

111. The United Nations Conference on Sustainable Development called for effectively applying an ecosystem approach and the precautionary approach, in accordance with international law, in the management of activities having an impact on the marine environment.[92]

112. At the global level, FAO has continued to assist in the implementation of the ecosystem approach to fisheries and aquaculture at the national and regional levels. A tool box to assist the implementation of the ecosystem approach to fisheries has been developed,[93] and a tool box for the approach to aquaculture is being finalized. Guidelines and tools for the expansion of coastal aquaculture within an ecosystem approach are also being developed.

113. The twenty-sixth session of the IOC Assembly endorsed programmes objectives for the IOC-UNESCO Integrated Coastal Area Management Programme, which include further development of ecosystem-based management and the large marine ecosystem approach.[94]

114. At the regional level, UNDP, through the large marine ecosystem programme, is providing capacity-building and technical advisory support to 65 countries bordering 10 large marine ecosystems in Asia and the Pacific, Latin America and Africa.

115. The South East Atlantic Fisheries Organization reported that the ecosystem approach is incorporated in its Convention. The Permanent Commission for the South Pacific also reported that it is now using an ecosystem approach in undertaking assessments on the impacts of economic activities on critical marine habitats in the region.

3. Area-based management tools

116. The United Nations Conference on Sustainable Development reaffirmed the importance of area-based conservation measures as a tool for the conservation of biodiversity and the sustainable use of its components.[95] In this connection, activities at the global, regional and national levels continue to support the implementation of area-based management and conservation.

117. In relation to areas beyond national jurisdiction, the Ad-Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction further considered issues related to area-based management beyond areas of national jurisdiction, including marine protected areas.[96]

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[91] Ibid., para. 4.13.

[92] General Assembly resolution 66/288, annex, para. 158.

[93] See http://www.fao.org/fishery/eaf-net/topic/166272/en.

[94] See report on the twenty-sixth session of the Assembly, decision 8.2.

[95] General Assembly resolution 66/288, annex, para. 177.

[96] See A/67/95, annex.

118. *Ecologically or biologically significant marine areas in need of protection.* Pursuant to decision X/29 of the Conference of the Parties to the Convention on Biological Diversity, regional workshops on the identification of ecologically or biologically significant marine areas were held in 2012 for the Wider Caribbean and Western Mid-Atlantic Region,[97] the Southern Indian Ocean Region and the Eastern Pacific and Temperate Tropical Region. At its sixteenth meeting, the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity adopted recommendation XVI/4, entitled "Marine and coastal biodiversity: ecologically or biologically significant marine areas" which will be considered at the eleventh meeting of the Conference of the Parties, to be held from 8 to 19 October 2012, in Hyderabad, India.

119. *Marine protected areas.* The United Nations Conference on Sustainable Development noted decision X/2 of the Conference of the Parties to the Convention on Biological Diversity, indicating that by 2020, 10 per cent of coastal and marine areas are to be conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures.[98] Efforts are on-going at the national level in all regions of the world to establish marine protected areas. Of the 7,043 records of marine protected areas included in the World Database on Protected Areas, 414 are in Africa, 2,430 in North, Central and South America, 1,622 in Asia, 1,534 in Europe and 1,007 in Oceania, covering a total of approximately 1.2 per cent of the world's oceans. The UNDP Ecosystems and Biodiversity programme supports projects on marine protected areas in 35 countries by assisting the establishment of new areas and strengthening of existing areas.

120. At the regional level, the OSPAR Commission, at its June 2012 meeting, adopted Decision 2012/1 on the establishment of the Charlie-Gibbs North High Seas Marine Protected Area, which will enter into force on 14 January 2013.[99] The Commission also noted the outcome of the second informal meeting of competent authorities, held in January 2012, to discuss management of selected areas beyond national jurisdiction, and agreed that a third informal meeting should be held in 2013/2014.[100]

121. The Commission for the Conservation of Antarctic Marine Living Resources, at its thirtieth meeting, held from 24 October to 4 November 2011, continued consideration of marine protected areas, including proposals for a general conservation measure, as well as proposals for the Ross Sea region and the East Antarctic planning domain.[101]

122. *Special Areas and Particularly Sensitive Sea Areas.* Area-based measures are also in place or in development to address the impacts of shipping. The IMO Marine Environment Protection Committee, at its sixty-third session, approved a draft Assembly resolution and the draft 2013 Guidelines for the Designation of Special

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[97] See Report of the Wider Caribbean and Western Mid-Atlantic regional workshop to facilitate the description of ecologically or biologically significant marine areas, document UNEP/CBD/SBSTTA/16/INF/7.

[98] General Assembly resolution 66/288, annex, para. 177.

[99] See OSPAR 12/22/1-E, paras. 5.15 to 5.20 and annex 6.

[100] Ibid., paras. 5-21 to 5.24.

[101] Report of the thirtieth meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR-XXX), paras. 7.1 to 7.43.

Areas under 1973 International Convention for the Prevention of Pollution from Ships, as modified by the 1978 Protocol relating thereto, which would replace the 2001 Guidelines.[102] The IMO Marine Safety Committee, at its ninetieth meeting, adopted routeing measures (Associated Protective Measure) for the Strait of Bonifacio Particularly Sensitive Sea Area, which will take effect on 1 July 2014.[103] The Marine Environment Protection Committee also adopted a resolution on the development of technical on-board equipment in relation to the designation of the Baltic Sea as a Special Area under annex IV to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.[104] In considering a communication from the OSPAR Commission regarding a proposed Collective Arrangement for management of selected areas of the North East Atlantic, the Committee agreed that any proposal to amend maritime traffic in the North East Atlantic must be put forward by IMO member Governments to the appropriate IMO body.[105]

123. *Fisheries closures*. The South East Atlantic Fisheries Organisation closed 11 vulnerable marine ecosystems in order to protect underwater features.

124. *Ecological networks*. At its tenth meeting, held in November 2011, the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals adopted resolution 10.3 on the role of ecological networks in the conservation of migratory species, in which it, inter alia, invited parties and other States, as well as relevant international forums, as appropriate, to explore the applicability of ecological networks to marine migratory species, especially those under pressure from human activities, such as over-exploitation, oil and gas exploration/exploitation, fisheries and coastal development.[106]

125. *World Heritage Sites*. The number of marine and coastal sites recognized as World Heritage Sites continues to grow with the addition, at the thirty-sixth session of the World Heritage Committee, held from 24 June to 6 July 2012, of two marine and coastal sites to the World Heritage List.[107]

126. *Biosphere reserves*. Similarly, the number of biosphere reserves with a coastal or marine component has increased with the addition, by the International Coordinating Council of the UNESCO Man and the Biosphere programme at its twenty-fourth session in July 2012, of several coastal and marine sites to the World Network of Biosphere Reserves. [108]

127. *Marine spatial planning*. Recommendation XVI/6, adopted by the Subsidiary Body on Scientific, Technical and Technological Advice of the Conference of the Parties to the Convention on Biological Diversity at its sixteenth meeting, which addresses marine spatial planning, recommends a number of information-sharing

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[102] See Report of the Marine Environment Protection Committee on its sixty-third session (MEPC 63/23, para. 9.2) and Add.1, annex 27.

[103] See Report of the Maritime Safety Committee on its ninetieth session (MSC 90/28), paras. 10.4-10.5.

[104] See MEPC 63/23, para. 6.17 and Add.1, resolution MEPC 218(63).

[105] See MEPC 63/23, para. 9.3 and 9.4.

[106] See UNEP/CMS/Resolution 10.3.

[107] See http://whc.unesco.org/en/newproperties.

[108] See http://www.unesco.org/new/en/natural-sciences/about-us/single-view/news/20_new_biosphere_reserves_added_to_unescos_man_and_the_biosphere_mab_programme/.

and capacity-building activities to support the implementation of marine spatial planning.[109]

H. Liability and compensation

128. *Convention on Limitation of Liability for Maritime Claims*. At its ninety-ninth session, in April 2012, the IMO Legal Committee adopted amendments to increase the liability limits in the 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims. The new limits are expected to enter into force 36 months from the date of notification under the tacit acceptance procedure.

129. *International Convention on Civil Liability for Bunker Oil Pollution Damage*. The Bunkers Convention, 2001, establishes a liability and compensation regime for spills of oil carried as fuel in ships' bunkers. The IMO Assembly, in 2011, adopted resolution A.1055(27) on the issuance of bunkers certificates to ships that are also required to hold a Civil Liability Convention certificate.

130. *International Oil Pollution Compensation Funds*. On 14 October 2011, a global settlement was reached in respect of the Erika (1999) incident.[110]

131. *Hazardous and Noxious Substances Convention*. The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as amended by the 2010 Protocol has been signed by eight States to date. The Director of the International Oil Pollution Compensation Funds has been requested to carry out the tasks necessary for the setting-up of the Hazardous and Noxious Substances Fund and to make preparations for the first session of the associated Assembly.

132. *Other liability regimes*. The Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety concluded its signature period on 6 March 2012 with 51 signatures. Two States have ratified the Protocol so far with 40 ratifications needed for entry into force.

XII. Major trends in regional cooperation

133. *Antarctic*. At the thirty-fifth Antarctic Treaty Consultative Meeting, held in June 2012, the parties continued to focus on climate change and the promotion of scientific research to understand global climate change implications. They also agreed on actions in regard to safe and environmentally friendly tourism and yachting and on the development of a manual on practical approaches to cleaning up sites.[111]

134. *Arctic*. The Deputy Ministers' Meeting of the Arctic Council, held in May 2012, mandated the senior officials of the Arctic Council to start negotiations on a

[109] See UNEP/CBD/COP/11/3, annex XVI/6, sec. A, para. 8.

[110] See summary of ongoing incidents at http://en.iopcfund.org/ongoing.htm.

[111] ATCM XXXV Communiqué, available from http://ats.aq/devPH/noticia_completa.aspx?IdNews=66&lang=e.

political Kiruna statement. A binding agreement on oil pollution preparedness and response is expected to be signed in Kiruna, Sweden, in 2013.[112]

135. *Baltic Sea*. At its meeting in March 2012, the Baltic Marine Environment Protection Commission (Helsinki Commission) discussed the need for cooperation in response to oil spills and incidents involving harmful substances. The Commission also recommended the adoption of guidelines on a unified interpretation in relation to the HELCOM Automatic Identification System, which aims to facilitate exchange and deliveries of data for improved safety of navigation and protection of the Baltic marine environment.[113]

136. *Black Sea*. In cooperation with the Commission on the Protection of the Black Sea against Pollution, UNDP is developing a project addressing ecosystem-based management, environmental governance and climate change in the region, with a view to, inter alia, developing a legally binding document on fisheries, adopting new protocols to the Convention, and promoting stakeholders participation.

137. *East Asian and South Asian Seas*. Through assistance provided by UNDP, eight countries in East Asia drafted their national five-year implementation plans for the Sustainable Development Strategy for the Seas of East Asia, which outline strategies to bring 20 per cent of each country's coastline under integrated coastal management.

138. During the East Asian Seas Congress 2012, in July 2012, in the Republic of Korea, the Partnerships in Environmental Management for the Seas of East Asia held a series of workshops for region-wide capacity-building, strategic action and cooperation for the sustainable development of the Seas of East Asia.

139. *Mediterranean Sea*. At the seventeenth Conference of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, held in February 2012, Mediterranean countries and the European Union called for the establishment of a "blue" economy to safeguard and promote a clean, healthy, productive Mediterranean environment.

140. *North-west Pacific*. At the sixteenth intergovernmental meeting of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region, held in December 2011, member States considered the draft Medium-term Strategy 2012-2017.[114]

141. The action plan on marine pollution under the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region continues to be implemented in partnership with its regional activity centres, with a view to developing, over the next two years, a compilation on legislation related to civil liability and compensation for marine pollution damage in the region, a manual on how to respond to oil spills, and a manual of policies on prevention of coastal and marine pollution, among others.

142. *Pacific*. In line with its regional strategy for disaster risk management and climate change, on 21 June 2012, the secretariat of the Pacific Regional

[112] See the final report on the meeting of Deputy Ministers at http://www.arctic-council.org/index.php/en/about/meetings-overview/deputy-ministers-meeting-2012.

[113] See Helsinki Commission recommendations 33/2, 33/3 and 33/1, respectively, available from http://www.helcom.fi/Recommendations/en_GB/valid.

[114] See UNEP/NOWPAP IG. 16/12.

Environment Programme signed a memorandum of understanding with the Indian Ocean Commission to promote partnerships between Small Island Developing States to adapt to climate change and minimise the impact of natural disasters.

143. *Red Sea and Gulf of Aden*. The Regional Organization for the Conservation of the Red Sea and Gulf of Aden undertook a number of multidisciplinary training programmes and workshops on subjects including ecosystem-based adaptation to climate change, ecosystem-based management of oceans and coasts, and effective management of marine protection areas. The Second Regional Meeting on the Status of Elasmobranches (Sharks and Rays) agreed on the framework, objectives and short- and long-term actions to be considered under the Regional Plan for Conservation of Sharks in the Red Sea and Gulf of Aden, which is under development.

144. *Wider Caribbean*. In May 2012, representatives of the Southeast and Northeast Pacific, North America and Wider Caribbean discussed the transboundary management of marine mammal corridors and priorities for transboundary management action.

XIII. Small island developing States

145. The United Nations Conference on Sustainable Development reaffirmed that small island developing States remain a special case for sustainable development, in view of their unique and particular vulnerabilities. It called for continued and enhanced efforts to assist them, particularly in implementing the Barbados Programme of Action and the Mauritius Strategy.[115]

146. In January 2012, the Indian Ocean Commission launched the ISLANDS project on the Implementation of the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States in the Eastern Southern African-Indian Ocean Region.[116]

XIV. Climate change and oceans

A. Impacts of climate change on oceans

147. Climate change continues to impact coastal communities, including through extreme weather events, sea-level rise, coastal erosion and ocean acidification. This threatens food security and the efforts of developing countries to eradicate poverty and achieve sustainable development.[117] As global emissions of greenhouse gases continue to rise, intergovernmental organizations are working to improve the scientific understanding of the impacts of climate change on the oceans and reduce the vulnerability of coastal communities to these impacts.

B. Mitigating the impact of climate change

[115] General Assembly resolution 66/288, annex, paras. 178-180.

[116] See http://islands.ioconline.org/index.php?id=193.

[117] General Assembly resolution 66/288, annex, paras. 158, 165-166, 176, 178 and 190.

148. *Reduction of greenhouse gas emissions from ships.* At its sixty-third session, in 2012, the Marine Environment Protection Committee continued its consideration of proposed market-based measures to complement the technical and operational measures adopted at its sixty-second session to reduce greenhouse gas emissions from ships.[118] The Committee also considered undertaking an impact assessment of the proposals and the methodology and criteria on which such assessment should be based.

149. Following recommendations made at the twenty-ninth session of the FAO Committee on Fisheries in 2011,[119] FAO has been working to provide practical guidance to industry practitioners and steer FAO activities on the understanding and enabling mitigation of greenhouse gas emissions in fisheries and aquaculture production systems and supply chains.

150. *Ocean fertilization.* The United Nations Conference on Sustainable Development expressed concern over the potential environmental impacts of ocean fertilization, recalled the decisions related to ocean fertilization adopted by the relevant intergovernmental bodies and resolved to continue addressing with the utmost caution ocean fertilization, consistent with the precautionary approach.[120] See also section XI.C of the present report.

151. *Carbon sequestration.* The sixth meeting of Contracting Parties to the London Protocol continued to review the Specific Guidelines for assessment of carbon dioxide streams for disposal into sub-seabed geological formations of 2007. Further review of the scientific and technical aspects and policy and legal issues will be conducted intersessionally and prior to the seventh Meeting of Contracting Parties.

XV. Settlement of disputes

A. International Tribunal for the Law of the Sea

152. On 14 March 2012, in case No. 16, "Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)", the Tribunal delivered its judgment in its first maritime delimitation case determining a single maritime boundary between Bangladesh and Myanmar in the Bay of Bengal with respect to the territorial sea, the exclusive economic zone and the continental shelf.

B. Arbitral tribunals

153. On 13 April 2012, the Arbitral Tribunal established by the Arbitration Agreement of 4 November 2009 between Croatia and Slovenia and the representatives of these two States discussed the procedural framework for the arbitration.

XVI. International cooperation and coordination

[118] See A/66/70/Add.2, paras. 306-308 and MEPC 63/23, section 5.

[119] See FAO Fisheries and Aquaculture report, No. 973.

[120] General Assembly resolution 66/288, annex, para. 164.

A. United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

154. The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea held its thirteenth meeting in New York from 29 May to 1 June 2012 and focused its discussions on marine renewable energies.[121] The Co-Chairs' summary of discussions at the meeting has been issued as document A/67/120.

155. In accordance with paragraph 230 of resolution 66/231, the General Assembly is expected, at its sixty-seventh session, to further review the effectiveness and utility of the Informal Consultative Process.

B. Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-economic Aspects

156. The Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, held its third meeting from 23 to 27 April 2012 and provided recommendations to the General Assembly at its sixty-seventh session (A/67/87). The Bureau of the Ad Hoc Working Group of the Whole, which was established to put into practice the decisions and guidance of the Ad Hoc Working Group of the Whole during the intersessional period, was fully composed and held its first meeting in May 2012.[122]

157. Workshops have been organized in order to support the first cycle of the Regular Process, in accordance with paragraph 207 of General Assembly resolution 66/231, in Santiago in September 2011, Sanya, China, in February 2012, and Brussels in June 2012. Additional workshops are being planned in the United States of America in November 2012, Mozambique in December 2012 and Australia in February 2013. I would like to express my appreciation for the technical, scientific and financial support for the workshops provided by, inter alia, the Permanent Commission of the South Pacific, UNESCO/IOC and UNEP.

158. Following the adoption of the Criteria for the Appointment of Experts by the General Assembly, pursuant to paragraph 202 of resolution 66/231, Member States were requested to appoint individuals to the Pool of Experts of the Regular Process through the United Nations Regional Groups. As at end of August 2012, there were 208 experts in the Pool of Experts. I would like to appeal to Member States that have not yet done so to make the necessary appointments.

159. The United Nations Conference on Sustainable Development expressed support for the Regular Process and looked forward to the completion of its first global integrated assessment of the state of the marine environment by 2014 and its subsequent consideration by the Assembly.[123]

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[121] General Assembly resolution 65/37 A, para. 231, and resolution 66/231, para. 234.

[122] The Bureau is comprised of the following Member States: Argentina, Bulgaria, Chile, China, Ecuador, Estonia, Ghana, Greece, Kenya, Republic of Korea, Spain, Sri Lanka, Ukraine, United Republic of Tanzania and United States of America.

[123] General Assembly resolution 66/288, annex, para. 161.

C. Oceans Compact

160. On 12 August 2012, at the International Conference Commemorating the thirtieth anniversary of the Opening for Signature of the United Nations Convention on the Law of the Sea, organized at the Yeosu World Expo, Republic of Korea, I launched the Oceans Compact, an initiative aimed at strengthening United Nations system-wide coherence and fostering synergies in oceans matters.[124] The Oceans Compact sets out a strategic vision for the United Nations system to deliver more coherently and effectively on its mandates related to oceans, consistent with the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want".[125] It provides a platform for all stakeholders to collaborate towards achieving "healthy oceans for prosperity". The Compact has three inter-related objectives to advance this goal: protecting people and improving the health of the oceans; protecting, recovering and sustaining the environment and natural resources of the oceans and restoring their full food production and livelihood services; and strengthening ocean knowledge and the management of oceans.

161. Realizing the objectives of the Oceans Compact will require the implementation of an integrated and results-oriented Action Plan. To elaborate the Plan, to facilitate stakeholder dialogue and to catalyze support, I propose to create, in consultation with stakeholders, a time-bound Oceans Advisory Group, composed of the executive heads of the organizations of the United Nations system which are involved, high-level policymakers, scientists, leading ocean experts, private sector representatives, representatives of non-governmental organizations and civil society organizations.

D. UN-Oceans

162. Pursuant to the request made by the General Assembly in resolution 66/231, paragraph 239, the Joint Inspection Unit conducted a review of UN-Oceans and is expected to submit its report for consideration by the Assembly at its sixty-seventh session.

163. In the same paragraph, the General Assembly also requested UN-Oceans to submit to the Assembly draft terms of reference for its work, for consideration at its sixty-seventh session. The draft Terms of Reference were prepared by UN-Oceans, taking into account the findings, conclusions and recommendations of the Joint Inspection Unit review.

164. UN-Oceans held its tenth meeting on 11 August 2012 in Yeosu, Republic of Korea.[126]

E. Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection

[124] The text of the Compact is available from http://www.un.org/Depts/los/ocean_compact/oceans_compact.htm.

[125] General Assembly resolution 67/288, annex.

[126] The report of the meeting was not available at the time of writing.

165. The Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection held its thirty-ninth session in April 2012 in New York. Among other things, a decision was made to strengthen the interactions between the Joint Group of Experts and the Group of Experts established under the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socio-Economic Aspects, particularly through information exchange.

XVII. Capacity-building activities of the Division for Ocean Affairs and the Law of the Sea

166. The Division for Ocean Affairs and the Law of the Sea continued to carry out capacity-building activities, mainly through the management of fellowship programmes, trust funds and, upon request, training or seminar events. The Division also continued to compile information on the capacity-building activities of international organizations, donor agencies and States, as available and appropriate. Relevant information has been reflected in my previous reports on oceans and the law of the sea.[127] Following a request made by the General Assembly with regard to the Regular Process in paragraph 204 of resolution 66/231, the Division prepared a preliminary inventory of capacity-building for assessments.[128] All published reports and studies are available on the website of the Division.

A. Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea

167. Following a recommendation of the Selection Committee composed of Argentina, Monaco, Morocco, Namibia, Slovenia, Spain and Sri Lanka, in July 2012 Miguel Enrique Tesoro Torres of Cuba was awarded the twenty-fifth Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. Mr. Torres is expected to commence his three-month practicum at the Division in the latter part of 2012. He will then continue with the research phase of the fellowship for three months at the Institute of International Studies of the University of Chile.

168. In 2012, contributions to the fellowship fund were made by Argentina, Cyprus, Monaco, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland. I wish to express my appreciation for their generous contributions. As at 18 June 2012, the balance of the Fellowship fund was approximately $62,700. To ensure that the fellowship continues to be awarded every year, I strongly encourage Member States and others in a position to do so to contribute generously to this important fellowship.

169. The Division continues to undertake robust fund-raising initiatives. In 2011 and 2012, it has sent a number of communications to Member States and private institutions seeking contributions.

B. The United Nations-Nippon foundation of Japan Fellowship Programme

[127] See, for example, A/63/342 and A/65/69.

[128] See A/67/87, annex V.

170. The Division continues to successfully administer the United Nations-Nippon Foundation of Japan Fellowship Programme. Since its inception in 2004, the Programme has trained 70 individuals from 54 Member States. Currently, individuals from the following States are undertaking the Programme: Barbados, Brazil, Comoros, Fiji, Ghana, Indonesia, Madagascar, Papua New Guinea, Philippines and Solomon Islands.

C. Trust funds

1. Commission on the Limits of the Continental Shelf

171. *Voluntary Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, in compliance with article 76 of the United Nations Convention on the Law of the Sea.* During the reporting period, contributions to the Trust Fund were received from Costa Rica, Côte d'Ivoire and Iceland. According to the statement of accounts, the Trust Fund balance as at 18 June 2012 was approximately $1.237 million.

172. *Voluntary Trust Fund for the purpose of defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission.* During the reporting period, contributions to the Trust Fund were received from China, Côte d'Ivoire, Denmark, Iceland, Japan and Mexico. At the twenty-second Meeting of States Parties to the United Nations Convention on the Law of the Sea, Japan made a pledge for a future contribution. According to the statement of accounts, the Trust Fund balance as at 18 June 2012 was estimated to be $720,630. Assistance from the Trust Fund was provided to six members of the Commission to facilitate their participation in the twenty-ninth session of that body.

2. Voluntary Trust Fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, to attend meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea

173. During the period under review, representatives from the following 11 countries, including 6 panellists, received assistance from the Trust Fund in the form of airfares to attend the thirteenth meeting of the Consultative Process, in accordance with General Assembly resolution 62/215: Bahamas, Brazil, Burkina Faso, China, Democratic Republic of the Congo, Jamaica, Malaysia, Mauritius, Philippines, Togo and United Republic of Tanzania. According to the statement of accounts for the period ending June 2012, the Trust Fund balance was estimated at $19,000.00.

3. Voluntary Trust Fund for the International Tribunal for the Law of the Sea

174. There have been no applications to the Voluntary Trust Fund since the submission of an application by Guinea-Bissau in 2004. Contributions to the Trust Fund were received from Côte d'Ivoire and Finland. As at 18 June 2012, according to the statement of accounts, the Trust Fund balance was estimated at $175,605.

4. Voluntary Trust Fund for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects

175. During the period under review, contributions were made by Jamaica, New Zealand, Republic of Korea and UNEP. According to the statement of accounts for the period ending 18 June 2012, the Trust Fund balance was estimated at $9,000.00.

5. Assistance Fund under Part VII of the United Nations Fish Stocks Agreement

176. In accordance with the financial report of FAO on the status of the Assistance Fund under Part VII of the United Nations Fish Stocks Agreement, as at 31 December 2011 the balance in the Assistance Fund was $534,046. In 2011, 27 applications were funded, for a total expenditure of $61,385. The breakdown of that expenditure was as follows: 85 per cent was used to support attendance at the technical and annual sessions of regional and subregional fisheries management organizations and arrangements; 8 per cent was used to support participation in the meeting of the tuna regional fisheries management organizations (Kobe III); and 7 per cent was used to meet FAO administrative expenses.

177. I wish to express my appreciation to all the Governments which made contributions to these trust funds.

XVIII. Conclusions

178. Oceans play a key role in our lives whether or not we live in coastal areas. They are integral to sustainable development, offering many development opportunities such as achieving food security, facilitating trade, creating employment and generating tourism. Oceans are also vital for supporting life on Earth through oxygen generation, climate regulation, carbon sequestration and nutrient cycling. However, oceans are facing growing challenges, pressures and threats. These range from depleted fishery resources, the impacts of climate change, the deterioration of the marine environment and biodiversity loss, to challenges to maritime safety and security including piracy, irregular migration by sea and poor labour conditions for seafarers.

179. Action at all levels is being undertaken by a number of actors, including Governments, intergovernmental organizations, non-governmental organizations, the scientific community and local communities to address these challenges. I am encouraged by this action. However, if we are to safeguard the capacity of the oceans to continue to sustain the increasing demands of humankind for energy, food and recreation, we have to step up and better coordinate our efforts. Notably, we need to encourage and facilitate greater adherence to, and implementation and enforcement of, the United Nations Convention on the Law of the Sea and its implementing Agreements as well as other relevant instruments. We have to develop sufficient capacity to undertake the research necessary to better inform our policy decisions. We must ensure that technology is available to those who still need it to benefit from the oceans. We ought carefully to address emerging issues before they become serious challenges. We should continue to raise awareness of the opportunities stemming from the oceans.

180. It is with those challenges in mind that I decided to launch this year the Oceans Compact to strengthen United Nations system-wide coherence and foster synergies in oceans matters.

181. This is a critical year for sustainable development and the oceans. Not only has it seen the assessment of progress made in achieving sustainable development goals at the United Nations Conference on Sustainable Development, but it also marks the thirtieth anniversary of the United Nations Convention on the Law of the Sea. The Convention is a stepping stone to guide all activities in the oceans and seas and one of the most significant multilateral treaties ever concluded. I am disheartened by the absence of new adhesions to the Convention or to its implementing Agreements this year and reiterate my appeal to all States that have not yet done so to become parties thereto. I am, however, encouraged in particular this year by the important progress in the work of the three institutions established under the Convention, namely, the Authority, the Tribunal and the Commission. Their work is critical in assisting the efforts of the international community towards ensuring peace and security and an orderly management of the oceans and their resources.

182. The support of Member States for the Oceans Compact will be crucial to advancing towards a more sustainable future and to ensuring healthy oceans for prosperity. We have seen renewed political momentum at the United Nations Conference on Sustainable Development in support of action towards sustainable development, including in relation to oceans and seas. Together, we must continue to engage our individual and collective responsibility to protect the marine environment and manage its resources in a sustainable manner for present and future generations.

United Nations A/67/79/Add.2

General Assembly

Distr.: General
7 November 2012

Original: English

Sixty-seventh session
Agenda item 75 (a)
Oceans and the law of the sea

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Report of the Secretary-General

Addendum

The United Nations Convention on the Law of the Sea and its implementing agreements

With reference to paragraphs 2, 3 and 181 of my report on oceans and the law of the sea (A/67/79/Add.1), I am pleased to report that, on 24 September 2012, Swaziland ratified the United Nations Convention on the Law of the Sea of 10 December 1982 and Ecuador acceded to it, bringing the number of parties to the Convention to 164, including the European Union, and the number of parties to the Agreement relating to the implementation of Part XI of the Convention to 143. Morocco and Bangladesh ratified the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks on 19 September and 5 November 2012, respectively, bringing the number of parties to the Agreement to 80, including the European Union.

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